

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL FRANCO-PEREZ,

Defendant.


No. CR 09-0103-1 CRB

ORDER DENYING CERTIFICATE OF
APPEALABILITY

This case has been remanded to this Court for the limited purpose of granting or denying a certificate of appealability. The Court hereby DENIES a certificate of appealability because Petitioner Rafael Franco-Perez has not made “a substantial showing of the denial of a constitutional right.” See 28 U.S.C. § 2253(c)(2). The Court found that the petition is time-barred, and Petitioner has not demonstrated that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

IT IS SO ORDERED.

Dated: September 2, 2015



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE